

REMARKS

Claims 23 to 31 have been added, and therefore claims 1 to 31 are pending.

In view of the following, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

With respect to paragraph three (3) of the Office Action, the drawings were objected to as lacking “numbers and reference characters that are plain and legible”. It is respectfully submitted that all numbers were and are legible, but the labels have been rewritten as suggested and are believed to be plain and legible as required. Approval and entry are respectfully requested as to the two replacement Sheets for Figures 1 to 3.

With respect to paragraph four (4) of the Office Action, the title was objected to for not being short and specific. While the objection may not be agreed with, to facilitate matters, the title has been rewritten as follows: “METHOD FOR CONTROLLING THE PROGRAM RUN IN A MICROCONTROLLER *BASED ON INFORMATION READ IN FROM THE HARDWARE OF THE MICROCONTROLLER*”. Approval and entry are respectfully requested.

With respect to paragraph six (6) of the Office Action, claims 6-9, 17, 18 and 21 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite.

Claim 6 has been rewritten to correct the minor antecedent basis issue so that “the microcontroller” now reads “the microcontroller”, so that claim 6 and its dependent claims 7 to 9, 17, 18 and 21 are definite. No new matter has been added, and no change in claim scope or surrender of claimed subject matter is intended. Approval and entry are respectfully requested.

With respect to paragraph ten (10) of the Office Action, claims 1-4, 6, 7, 8, 10-14, and 16 to 22 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 4,489,414 to Titherley (“Titherley”). The rejections should be withdrawn for at least the following reasons.

To anticipate a claim under § 102(b), a single prior art reference must identically disclose each and every claim feature M.P.E.P. § 2131. Claim 1 is to a method for controlling a run of a *program* executable on at least one *microprocessor* of a *microcontroller*, including the steps of: reading in *information regarding a hardware of the microcontroller* from at least one *information register* of the microcontroller; and *actuating* at least one *switch* via which the program run is *controlled* as a function of the information read in.

Application Serial No. 09/897,870
Attorney Docket No. 10191/1867
Reply to Office Action of June 22, 2005

While the anticipation rejections may not be agreed with, to facilitate matters, claim 1 as presented also now provides that *the program run is controlled only by the information read in from the hardware.*

In contrast, in the “Titherley” reference, the program flow is controlled by the operator using switches S1 to S5, which is wholly unlike the subject matter of claim 1 as presented in which *the program run is controlled only by the information read in from the hardware.*

The “Titherley” reference therefore does not anticipate the subject matter of claims 1, 6 and 10, as presented, or their respective dependent claims. Therefore claims 1 to 4, 6 to 8, 10 to 14 and 16 to 22 are allowable.

With respect to paragraph thirty (30) of the Office Action, claims 5, 9 and 15 were rejected under 35 U.S.C. § 103(a) as unpatentable over “Titherley” in view of U.S. Patent No. 6,182,203 to Simar Jr. et al. (“Simar”). Claims 5, 9 and 14 respectively depend from claims 1, 6 and 10, as presented, and are therefore allowable for essentially the same reasons as claims 1, 6 and 10 as presented, since the secondary reference does not cure the critical deficiencies of the primary reference.

New claims 23 to 31 do not add any new matter and are supported by the present application, including the specification. Claims 23 to 31 depend from claims 1, 6 or 10, as presented, and are therefore allowable for the same reasons as their respective base claims.

Accordingly, claims 1 to 31 are allowable.

Application Serial No. 09/897,870
Attorney Docket No. 10191/1867
Reply to Office Action of June 22, 2005

CONCLUSION

In view of the above, it is respectfully submitted that all of the presently pending claims 1 to 31 are allowable. It is therefore respectfully requested that the objections and rejections be withdrawn, since they have been obviated. Since all issues raised have been addressed, an early and favorable action on the merits is respectfully requested.

Respectfully Submitted,

Dated: 10/13/2005

By: Gerard A. Messina (R. A. M.)
Gerard A. Messina
(Reg. No. 35,952)
KENYON & KENYON
One Broadway
New York, NY 10004
(212) 425-7200
33,865
Arvan C.
06/19/04)

CUSTOMER NO. 26646

1075919

Application Serial No. 09/897,870
Attorney Docket No. 10191/1867
Reply to Office Action of June 22, 2005

AMENDMENTS TO THE DRAWINGS

The accompanying Replacement sheets of drawings include changes to the drawings, and replace the prior drawings of Figures 1-3. The descriptive labels of the boxes are believed to be legible as required, and no new matter has been added. Approval and entry are respectfully requested.